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Confronting the silent crisis in special education

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Since 1974 our children with disabilities have had a legal right to an appropriate public education alongside their non-disabled peers. Inclusion is the watchword of the day, and schools across Massachusetts work hard to impress upon their students that differences among people should be respected and valued.

But amid all the talk of inclusion and acceptance there exists a silent crisis that threatens every Massachusetts student with special needs: widespread noncompliance with special education law and an alarmingly lax commitment to protecting children's special education rights. I confronted this reality with my own daughter who has autism, and during the ten years I worked as a professional special education advocate for other children. It's a complex and thorny subject that few are willing to discuss, let alone challenge.

Between July 2004 and June 2006, the Massachusetts Department of Elementary and Secondary Education (MDESE) documented 2,284 individual violations of special education law.¹ The United States Department of Education (USDE) has cited Massachusetts 10 times in the last 18 years for failing to fully meet its legal obligations to its students with disabilities.² The achievement gap between students with and without disabilities has gotten worse over time. It increased on every one of

the 16 MCAS exams administered in the Spring of 2007.³

As an advocate, by mid-2005 I'd seen enough heartache and wasted human potential to last me a lifetime. My own daughter and clients were doing well because they were receiving the educational services they needed, but what about the tens of thousands of other students with disabilities in Massachusetts? My phone hadn't stopped ringing in ten years. Every day I heard from parents frantic for help.

With one of the strongest advocacy networks of any state in the country, why are so many Massachusetts students with special needs still



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(photo by Raymond Earley)

¹ MA Dept. of Elementary and Secondary Education
<http://www.doe.mass.edu/sped/spp/full.pdf>

² SPEDWatch
http://www.spedwatch.org/files/broken_promises_2007.pdf

³ MA Dept. of Elementary and Secondary Education
<http://www.doe.mass.edu/mcas/2007/results/summary.pdf>

routinely denied their most basic educational rights? Why are families forced to hire advocates and attorneys to secure what their children already have a legal right to receive? What is missing from our otherwise sound advocacy efforts?

I believe the answer is a strategically organized mass movement of parents and other concerned citizens willing to dedicate themselves to the pursuit of one goal: that all students with disabilities receive the education to which they are legally and morally entitled. No more. No less. No compromise.

Women organized in huge numbers and won the vote. African-Americans organized in huge numbers and defeated segregation. People in the American colonies organized in huge numbers and won independence for the United States. In this spirit and tradition I formed SPEDWatch in January 2006 to serve as the organizing infrastructure for a civil rights movement that will fight to secure the educational rights of all Massachusetts students with disabilities, ages 3-21.

Beginning with a core group of 40 individuals, SPEDWatch today has over 400 dues paying members in some 200 communities across Massachusetts, and is growing daily. We focus our efforts on eradicating the root causes of educational discrimination against students who learn differently. Our groundbreaking report, *Broken Promises: Special Education in Massachusetts*, captured for the first time the true extent and human consequences of school district noncompliance with special education law. We've staged three protest demonstrations and appeared on Channel 5's "Chronicle" show. It was pressure from SPEDWatch that forced MDESE to raise its achievement expectations for students with disabilities to align with those it holds for the general population. Our workshop, *Basic Rights: Denied*, teaches participants how to respond to the most common violations of students' special education rights. A content rich monthly newsletter and active listserv gives our members a way to share advocacy advice and emotional support.

SPEDWatch is prepared to stay the course for what we know will be a long struggle. Today, the MDESE still refuses to commit to a reduction in noncompliance rates. The USDE still doesn't

require compliance with the law, only a timely resolution of identified violations. The general public still sees special education as a budget buster and a losing investment, and parents and teachers remain too fearful of retaliation to speak out publicly. SPEDWatch is dedicated to righting all these wrongs, one mind and one heart at a time.